

DEC. 15. 2003 10:55AM

OBLON, SPIVAK

NO. 700 P. 1

**RECEIVED  
CENTRAL FAX CENTER**

DEC 18 2003

**OFFICIAL**



ATTORNEYS AT LAW

1940 DUKE STREET  
ALEXANDRIA, VIRGINIA 22314  
USA

(703) 413-3000  
(703) 413-2220 FACSIMILE

OBLONPAT@OBLON.COM

PATENT, TRADEMARK AND COPYRIGHT LAW  
AND RELATED FEDERAL AND ITC LITIGATION

WWW.OBLON.COM

**FACSIMILE**

PLEASE CALL US AT (703) 413-3000 IF THE MESSAGE YOU RECEIVE IS INCOMPLETE OR NOT LEGIBLE

TO	SPE Kevin Teska	October 20, 2003
NAME	USPTO/GAU 1756	DATE
COMPANY/FIRM		FAX # 703-872-9306
NUMBER OF PAGES INCLUDING COVER:	18	CONFIRM FAX: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
FROM	James Boler	224569US
NAME	703-412-6262	OUR REFERENCE
DIRECT PHONE #		YOUR REFERENCE

**MESSAGE**

Attached please find Filing Receipt, Cover Letter, and Halliburton's Request for Reconsideration of Group Director Wong's Decision Mailed October 09, 2003

I:\INTERFERENCE\FAXES\USPTO-EX YOUNG.DOC

Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service at our Expense. Thank You.

**OFFICIAL**

DOCKET NO: 224569US25SD

**RECEIVED  
CENTRAL FAX CENTER**

DEC 18 2003

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
SUJIAN HUANG ET AL. : GROUP DIRECTOR: PETER WONG  
TECHNICAL CENTER 2100  
SERIAL NO: 09/635,116 :  
FILED: AUGUST 09,2000 :  
FOR: METHOD FOR SIMULATING :  
DRILLING OF ROLLER CONE BITS AND  
ITS APPLICATION TO ROLLER CONE  
BIT DESIGN AND PERFORMANCE

HALLIBURTON'S REQUEST FOR RECONSIDERATION OF GROUP DIRECTOR  
WONG'S DECISION MAILED OCTOBER 09, 2003

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In his decision on Halliburton's petition to withdraw Smith's application from issue under 37 CFR 1.313, Group Director Wong acknowledged that "The USPTO is authorized to withdraw an application from issue after the payment of the issue fee for interference," citing 37 CFR 1.313(b)(4). However, he declined to initiate proceedings to do so on the ground that:

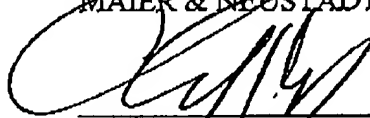
Interference is defined as "a proceeding instituted in the Patent and Trademark Office before the Board to determine any question of patentability and priority of invention between two or more parties claiming the same patentable invention." See 37 CFR § 1.601(i). As no interference has been declared to

Application No. 09/635,116  
Request for Reconsideration

With respect, it is pointed out, that if the interference had been declared, ex parte prosecution, including the administrative steps leading to issuance of a patent to Smith, would have been suspended pursuant to 37 CFR 1.615(a). Accordingly, 37 CFR 1.313(b)(4)'s reference to withdrawing an application from issue "For interference" inherently means withdrawing the application from issue prior to declaration of the interference—that is, it refers to sending the application to the board so that both the target application (in this case, the Smith application) and the targeting application (in this case, the Halliburton application) can be referred to an APJ, who will then decide whether or not to declare an interference.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Charles L. Gholz  
Attorney of Record  
Registration No. 26,395

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 08/03)

James R. Boler  
Registration No. 37,058

CERTIFICATE OF SERVICE

This is to certify that one copy of the foregoing is being sent by means of pdf

addressed to:

Alan D. Rosenthal, Esq.  
Rosenthal & Osha L.L.P.  
One Houston Center  
Suite 2800  
1221 McKinney Steet  
Houston, TX 77010

Dated: 16 Oct 03

  
Charles L. Gholz

I:\INTERFERENCE\CASES\224569GRO\PLEADINGS\ReqReCONSIDERATION.DOC